

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

**July 19, 2006**

A regular meeting of the New Hampshire Board of Pharmacy was held on **July 19, 2006** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:12 a.m.** with President Kristina Genovese presiding.

**I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS**

**PRESENT**

Kristina Genovese, President  
Vahrij Manoukian, Treasurer  
Sandra B. Keans, Secretary  
Ronald L. Petrin, Member

**ALSO PRESENT**

Paul G. Boisseau,  
Executive Secretary  
Peter A. Grasso,  
Chief Compliance Investigator

**ABSENT**

George L. Bowersox, Vice-President  
Margaret E. Hayes, Member

**ALSO ATTENDING**

**Stacy Hebert** – P4 Student Massachusetts College of Pharmacy and Health Sciences – Boston Campus. Guest of Commissioner Petrin.

**II. REVIEW/ADOPTION OF MINUTES**

Minutes of the **June 21, 2006 regular meeting** of the Board were accepted as submitted. **(Manoukian/Petrin). Voted (unanimous).**

**III. LICENSING**

**A. Pharmacy Technicians**

**Voluntary Surrender**

**PIROZZI, Nicole M.**

Rochester, NH

-NH Registration No. PT4177

-Case File: ROI 51/06

**Motion (Petrin/Manoukian) to accept the *Voluntary Surrender* of pharmacy technician registration No. PT4177 issued to Nicole M. Pirozzi effective immediately. Voted (unanimous).**

**B. Pharmacy**

**1. New**

**NASHUA MEDICAL GROUP PHARMACY**

173 Daniel Webster Highway  
Nashua, NH 03060

Pharmacist-In-Charge: **Dennis J. Gerber, R.Ph.**

NH Pharmacist License No. 1917

Owner/Corporate Officer/Supervisor: **Mark E. Santos, R.Ph.**  
Administrator

Application complete.

**Motion (Keans/Petrin) granting a temporary permit to Nashua Medical Group Pharmacy located at 173 Daniel Webster Highway, Nashua, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).**

**2. Request for Waiver**

The following pharmacies requested a waiver of Ph 303.02(k) relative to security provisions, for delivery of prescription drugs, not addressed in the guidelines established by the Board on August 17, 2005. This item was tabled, for further consideration, by the Board at its May 17, 2006 meeting.

**(a) BROOKS PHARMACY #482**

24 Fort Eddy Road  
Concord, NH 03301

**(b) CVS PHARMACY #0723**

633 Amherst Street  
Nashua, NH 03063

**(c) RITE AID PHARMACY #1397**

53 Church Street  
Kingston, NH 03848

(d) **RITE AID PHARMACY #3744**  
50 South Main Street  
Wolfeboro, NH 03894

(e) **RITE AID PHARMACY #4794**  
41 Carroll Street  
Pittsfield, NH 03263

This item was taken from the table, for discussion, on June 21, 2006 at which time the Board voted to authorize a moratorium on the granting of any further waivers of Ph 303.02(k), including the above petitioners, until the Board is able to obtain additional information and the item was again tabled.

The Board, this date, again removed the item from the table for a brief discussion. The Board **directed that the *status quo* for those pharmacies that have already been inspected and granted waivers (the ‘pilot program group’), be continued until January 2007.**

**This agenda item was again laid on the table until the Board’s regularly scheduled September meeting.**

#### IV. COMPLIANCE UNIT

##### **Activity Report**

- June 2006

**Motion (Manoukian/Keans) to accept the report as submitted. Voted (unanimous).**

#### V. OLD BUSINESS

##### **A. Cardinal Health – Pyxis Products Division**

The Board reviewed a request from **Karen Nishi**, Director of Regulatory Affairs at Cardinal, for advice in responding to a NH hospice client for the installation of a Pyxis machine (in NH) to be “serviced” by a mail-order pharmacy located in Pennsylvania (Hospice Pharmacia – Sharon Hill, PA – owned by Omnicare – NH Registration No. NR0496).

Pursuant to a consult with the NH Attorney General's Office, the Board is of the opinion that it does not presently have the statutory authority to recognize (and allow) the placement and dispensing of prescription drugs via automated dispensing systems (ADS's) in long term care facilities. Accordingly, the use of a Pyxis machine in a LTCF would not be permitted in NH until the Board gains statutory authority to then promulgate rules regulating ADS's.

**B. Collaborative Practice for Emergency Contraception**

Final Proposal – Annotated Text.  
*Chapter Ph 1000 Emergency Contraception.*

**Motion (Keans/Petrin) to accept the Joint Legislative Committee on Administrative Rules (JLCAR) conditional approval of Final Proposal 2006-18 (with amendments) of *Chapter Ph 1000 Emergency Contraception*. Voted (unanimous).**

**VI. NEW BUSINESS**

**A. Transfer of Prescription Information**

The Board considered a request for opinion on the use of fax for the transfer of prescription information between pharmacies. This would include both controlled and non-controlled prescription drugs and may require a waiver of Ph 704.04(a).

**This item was laid on the table for further consideration during the Board's August 16, 2006 meeting.**

**B. Emergency Dispensing of Antiretroviral Drugs**

**Sandra Matheson, Director**  
Attorney General's Office of Victim Witness Assistance

Request to review Ph 709.07 Drug Control in Ambulatory Patient Treatment Areas for possibly adapting the rule to allow for the dispensing of a one-time, 30-day supply of HIV/AIDS drugs.

**This item was laid on the table for discussion at the Board's August 16, 2006 meeting at which time Commissioner Bowersox will present additional background information.**

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The meeting was recessed at 10:28 A.M. and called back to order at 12:18 P.M.

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*A non-public session was called (Manoukian/Petrin) at 10:28 A.M. with Commissioners Genovese, Keans, Manoukian, and Petrin present.*

*Discussions and/or decisions occurring during this non-public (confidential) session were according to RSA 91-A:3, I & II and involved information pursuant to ongoing investigations as reported by the Board's Compliance Investigator(s) and/or the Office of the Attorney General, the disclosure of which would likely adversely affect a person's reputation and/or would render the Board's proposed action ineffective.*

*The non-public session was adjourned at 12:18 P.M.*

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VII. ADJOURNED 12:19 P.M.

Respectfully submitted,

Sandra B. Keans  
Secretary  
FOR THE BOARD